His Excellency JEFFERSON DAVIS, President,

DEAR SIR-I have the hopor to acknowledge the receipt of your letter of the 29th ult, in reply to mine of the 8th of the same month, which reached my office, at Milledgeville, on the 8th instant, together with a copy of the written opinion of the Attorney General, and has since been forwarded to me at Canton, where I was detained by family afflic-

Your reply, prepared after mature deliberation and consultation with a cabinet of distinguished ability, who concur in your view of the constitutionality of the Conscription Act, doubtless presents the very strongest argument in defence of the Act of which the case is susceptible.

Entertaining, as I do, the highest respect for your opinions and those of each individual member of your Cabinet, it is with great diffidence that I express the conviction, which I still entertain, after a careful perussi of your letter, that your organizat fails to sustain the constitutionality of the Act; and that the conclusion at which you have arrived is maintained by neither the contemporaneous construction put upon the Constitution by those who made it, nor by the praction by those who made it, nor by the practical p tice of the United States Government, under it during the carlier and better days of the Republicnor by the language of the bastrument itself, taking the whole context and applying to it the well established rules by which all con-

stitutions and laws are to be construed. Looking to the magnitude of the rights involved, and the disastrous consequences which, I fear, must follow what I consider a bold and dangerous usurpation by Congress of the reserved rights of the States, and a rapid stride towards military despotism, I very much regret that I have not, in the preparation of this reply, the advice and assistance of a number equal to your Cabinet, of the many "eminent citizens" who, you admit, entertain with me the opinion that the Con-scription Act is a palpable riolation of the Constitution of the Confederacy. Without this assistance, however, I must proceed individually to express to you some views, in addition to those contained in my former letters, and in reply to such points made by you in the argument as seem to my mind to have the most plausibility in sustaining your con-

The savereignty and independence of each one of the thirteen States at the time of the adoption of the Constitution of the United States will not, I presume, be denied by any, nor will it be denied that each of these States acted in its separate capacity, as an independent sovereign, in the adoption of the Constitution. The Constitution is, therefore, a league it a just construction, we must apply to it the rules which, by common consent, govern in to aquire what was the intention of those who made the constitution.

important to inquire what they did, and what every State has responded to every call, by they said they meant, when they were making it. In other words, to inquire for the contemporaneous construction put upon the instrument by those who made it, and the explanations of its meaning by those who proposed each part in the Convention, which induced the Convention to adopt each part. I incorporated into my last letter a number

of quotations from the debates of prominent members of the Convention upon the very doubt the intelligence and patriotism of the point in question, showing that it was not the intention of the Convention to give to Congress the unlimited control of all the men the control over those who composed their militia, by retaining to the States the appointwhile "employed in the service of the Convention, and the action of the State Convendeem it unnecessary, as you made no allusion reply, and I presume you do not insist that opinion.

the explanations of its meaning given by France has a conscription act, which Great sion.
I feel that I am fully justified by the de-

tion of the thirteen sovereigns to constitute a the principals, but that it was not the intention to give the agent the power to destroy the principals. The agent was expected to be rather the pervant of several masters than the master of several servants. I apprehend it was never imagined that the time would come when the agents of the sovereigns would claim the power to take from each sovebear arms, and leave them with no power to execute their own laws, suppress insurrections in their midst, or repel invasion.

In reference to the practice of the United States Government funder the Constitution, I need only remark that I do not presume it and invading party, instead of acting conwill be contended that Congress claimed or stantly on the defensive, is evidence to susexercised the right to compel persons constituting the militia of the States, by conscription or compulsion, to enter the service of the their State Government, at any time while the public who aided in the formation of the Constitution.

It, then, the constitutionality of the conscription act cannot be established by the son. He says: contemporaneous construction of the Constition, nor by the earlier practice of the Govmade the Constitution, the remaining inquiry is, can it be established by the language of the instrument itself, taking the whole context

The Constitution, in express language, gives Congress the power to "raise and support armies." You rest the case here, and say you know of but two modes of "raising armies," to wit: "by voluntary enlistment, and by draft or conscription," and you conclude hat the Constitution authorizes Congress to raise them by either or both these modes.

To enable us to arrive at an intelligent conclusion as to the meaning intended to be con- Mr. Calhoun. That great and good man who veyed by those who used this language, it is may justly be styled the champion of State necessary to inquire what signification was Rights and Constitutional Liberty, in the first attached to the terms used at the time they were used, and it is fair to infer that those who used them intended to convey to the minds of while President, by Great Britain, says: others the idea which was at that time usually conveyed by the language adopted by them. mean by the term to "raise armies." I prefer that the Attorney General should answer. He says, in his written opinion:

'Inasmuch as the words 'militia,' 'armies,' a definite meaning in Great Britain before the sense attached to it in that country."

Upon this statement of the Attorney Gene

ral rests his definition of the term "militia," which is an English definition; and upon that bians retained for so long a period their liberty definition rests all that part of your argument, which draws a distinction, however unsubstantial, between calling forth the militia by authority of Congress, and calling forth all men in the State who compose the militia by the same authority. In the one case you term it calling forth the militia; and adout that the State has the right to appoint the officers .-In the other case, while every man called forth may be the Same, you term it raising an army, and dony to the State the appointment of the officers. As this is necessary to sustain the constitutionality of the Conscription Act, you cannot disapprove the statement of the Attorney General above quoted. If, then, the Attorney General is right, that the term "militia," "armies," "regular troops," and "volunteers" had acquired a definite meaning in Great Britain before the Revolutionary war, and we have derived most of ourideas on this subject from that source, and if we may safely conclude that the term "militia" in our Constitution was used in the sense attached to it in that country, is it not equally; safe to conclude that the term "armies," and to "raise armies," having acquired a definite meaning in Great Britain before the Revolutionary war, were used in our Constitution in the same sense attached to them in that

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Convention which made our Constitution, s thaving derived most of their ideas on this sith get from that source," it is "sa e to con-

clude that they used the term to "raise ar-mies" in the sense attached to it in that country." It necessarily fellows, the Attorney General Being the judge, that your con-clusion is erroneous, and that Congress has no power to "raise armies," not even her "regular armies," by Conscription.
But, as those who framed the Constitution

oresaw that Congress might not be able, by oluntary culistment, to raise regular or standing armies sufficiently large to meet all emergencies, or that the people might refuse to vote pplies to maintain in the field armies so large and dangerous, they wisely provided, in condection with this grant of power, anothor relating to the same subject matter, and gave congress the additional power to call forth the militis to execute the laws of the Confederate States, suppress insurrections,

and repel invasions.

In this connection I am reminded by your declare offensive as well as defensive war, and you argue, as I understand, that the militia can only be called forth to repel invasions, and not to invade a foreign power, and that Congress would be powerless to ret could not "raise armies" by Conscription, to invade foreign powers: If this were even so, it might be an objection to the Constitutional Government, for want of sufficient strength, which is an objection often made by those who favor more absolute power in the General Government, and who attempt by a latitudenarian construction of the Constitution to supply powers which were never intended to be given to it. But does the practical difficulty which you suggest in fact exist? I maintain that it does not. And may here remark that those who established the government of our fathers, did not look to it, as a great military power, whose people were to live by plundering other nations is

foreign aggressive war, but as a peaceful government, advised by the Father of his country to avoid "entangling alliances" with forcist powers. But you suppose, after our independence is established, that our present enemy may be tempted to abuse his naval power by depredations on our commerce, and that we may be compelled to assert our rights by offensive war, and you ask, " How is it to carried on?" Of what is the army to be composed?" The snswer is a very simple one. If the aggression is such as to justify us in the declaration of offensive war, our people will have the intelligence to know it, ty; that the Government created by this combetween sovereigns. in order to place upon to respond by voluntary enlistment, and to oner themselves, under officers of their own choice, through their State authorities, to the the construction of all written constitutions Confederacy, just as they did in the offensive and laws. One of the first of these rules is war against Mexico, when many more were offered than were needed, without conscription or conteion; and just as they have done To enable us to learn this intention, it is in our present defensive war, when almost sending larger numbers then were called for and larger than the Government can arm and make effective. There is no danger that the their proceedings) to those parts of the Conhonor of the intelligent free born citizens of this Confederacy will ever suffer because the Government has not the power to compel them to vindicate it. They will hold the Govern-ment responsible if it refuses to permit them eral welfare of the United States; and to To doubt this, would seem to be to

people, and their competency for self-government. It would be very dangerous, indeed, to give able to bear arms in the States, but that it the General Government the power to engage was their intention to reserve to the States in an offensive foreign war, the justice of which was condemned by the Governments of the States and the intelligence of the peoment of the officers to command them, even ple, and to compel them to prosecute it for while "employed in the service of the Contract two years, the term for which appropriations federate States." I might add many other can be made and continued by the Congress quotations containing strong proofs of this declaring it. Hence the wisdom of our anposition from the debates of the Federal Couthe militia, or great body of our people, so as tions which adopted the Constitution; but I to prohibit the prosecution, by conscription or coercion, of an offensive foreign war, which to the contemporaneous construction in your may be condemned by an intelligent public tion lately taken by them.

advantage has the conscription law given to bates and the action of the Federal and State France over Great Britain? Has not the latter been as able as the former to "raise armies" sufficient to vindicate her honor and common agent with certain specific and limst-maintain her rights? When France had no conwas a Republic. Soon after she had a conscription law, she became an Empire and her ruler an Emperor, leaving her people without

the people of Great Britain. But you say shall we never be plaintiffs in this "terrible litigation of nations." If the doctrine laid down by you, Congress claimed litigation commends itself to the intelligence to be the Judge, proceeded to adjudicate the reign every man belonging to each able to of the people as just, they will not hesitate to put themselves at the command of the Gov-ernment to assume the plaintiff's position.— The cagerness with which the people of the The eagerness with which the people of the Confederacy now desire that we assume the plaintiff's position, and become the attacking and invading pages, which authorizes the President to arm our negroes against us. Congress will no toan "employed in the savetoe of the pages, which authorizes the President to arm our negroes against us. Congress will no toan "employed in the savetoe of the pages, which authorizes the President to arm our negroes against us.

tain my conclusion on this point. That those who framed the Constitution looked to a state of war as tending to concen-General Government, without the consent of trate the power in the Executive, and as unfavorable to the constitutional liberty, and did government was administered, or its councils not intend to encourage it unless in cases of controlled, by any of the fathers of the Rethe government with a view to its becoming a power often engaged in offensive war, may be inferred from the language of Mr. Much

"War is, in fact, the true name of Execu tive aggrandizement. In war a physical force ernment, while administered by those who is to be created, and it is the Executive will which is to direct it. In war the public trea sures are to be unlocked, and it is the Exe cutive hand which is to disperse them. In and applying it to the usual rules of con- war, the honors and emoluments of office are struction, which were generally received and to be multiplied, and it is the Executive admitted to be authoritative at the time it was patronage under which they are to be enjoyed. It is in war, finally, that laurels are to be gathered, and it is the Executive brow they are to encircle. The strongest passions and most dangerous weaknesses of the human reast, ambition, avarice, vanity, the honorable or venal love of fame, are all in conspiracy against the desire and duty of peace." Federalist, page 452.

In connection with this remark of Mr. Madison, it may not be amiss to add one from volume of his works, page 361, while speaking

Apply this rule, and what did the Convention to the Federal and favorable to the national line of policy. This is, undeed, one of the unavoidable consequences of war, and can be counteracted only by bringing into full action "Inasmuch as the words 'militia,' 'armies,' the negatives necessary to the protection of regular troops,' and 'volunteers,' had acquired the reserved powers. These would of themselves have the effect of preventing wars, so Revolutionary war, and as we have derived long as they could be honorably and safely most of our ideas on this subject from that avoided; and, when necessary, or arresting to source, we may cafely conclude that the term a great extent, the tendency of the Government 'militia' in our Constitution was used in the to transcend the limits of the Constitution during its prosecution; and of correcting all departures after its termination. It was by forces of the tribunitial power that the ple

> in the midst of so many wars." I beg to call special attention to the portions of the above quotations which I have

> italicised. Having rested the constitutionality of the Conscription Act upon the power given to Congress to "raise armies," you enumerate a doctrine which I must be pardoned for saying struck me with surprise, not that the doc trine was new, for it was first proclaimed. I believe, almost as strongly, by Mr. Hamilton. in the Federalist, but because it found an advocate in you, whom I had for many years regarded as one of the ablest and boldest defenders of the doctrine of State Rights school in the old government. Your language is:

"I hold that when a specific power is granted by the Constitution, like that now in ques tion, to "raise armies," Congress is the judge whether the law passed for the purpose of executing that power is necessary and proper."

Again you say: "The true and only test is, to whether the law is intended and calculated to carry out the object, whether it devises and creates an instrumentality for executing the specific power granted, and if the answer be in the affirmative, the law is constitutional. From this you argue that the Conscription Act is calculated and intended to "raise ar-At that period, the Government of Great | mies," and, therefore, constitutional.

ever stated more broadly in favor of unrestrained Congressional power by Webster, Story, or any other statesman or jurist of the Federal school. This is certainly not the doctrine of the re-

publican party of 1798 as set forth in the Virginia and Kentucky Resolutions. The Virginia Resolutions use the following language: have the right and are in duty bound to interpose for arresting the progress of the evil, and pointed by the States. for maintaining within their respective limits the enthorities, rights and liberties appertuin-ing to them. That the General Assembly doth also express its deep regret that a spirit tion, to disband the State Governments, and letter, that Congress has power "to declare letter, that Congress has power "to declare war," which you say embraces the right to the Federal Government to enlarge its powers by a forced construction of the Constitutional charter which defines them; and that indications have appeared of a design to expound certain general phrases-(which having been copied from the very limited grant of dress our wrongs, or vindicate our honor, if powers in the former articles of Confederation, were the less liable to be misconstrued) -so as to destroy the meaning and effect of the particular enumeration, which necessurily explains and limits the general phrases, so as to consolidate the States by degrees into one ble result of which would be to transform the present Republican system of the United States into an absolute or at least a mixed

The following quotations are from the Ken-tucky Resolutions drawn up by Mr. Jefferson himself, (the italies, as in the last quotation, gre'my own):

"That the several Sinter composing the Inited States of America are not united on the principle of valimited submission to the General Government; but that by a compact under the style and title of a Constitution of the United States, and of amendments thereto. they constituted a General Government for special purposes--delegated to that Government certain definite powers; reserving each State to itself the residuary mass of right to their own self-government; that whensoever the General Government usammes undelegated powers its acts are unauthoritaires coid and of no force; that to this compact each State acceded as a State, and is an integral partyits co-States forming as to itself the other parthat would have made us Discretion, and not the Constitution, the measure of its powers; but that as in all other cases of compac among parties having no common sunge each party has an equal right to subde for itself as well of infractions us of the mode and measure

And again: " That the construction applied by the Genral Government (as evinced by sundry of stitution of the United States which delegate to Congress a power to lay and collect taxes, duties, imposts and excises; to pay the debts rying into execution the powers vested by the Constitution in the Government of the United States, or any department thereof, poes to the destruction of all the limits pre scribed to their power by the Constitution.— That words meant by that instrument to be powers ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken as to destroy the whole residue of

the instrument." But let us examine your doctrine a little further and see whether it can be reconciled the construction lately put upon the Constitution by the States composing the Confederacy, over which you preside, and the ac-

The Constitution of the United States gives which you draw from it, Congress the power to provide for calling a to "suppress insurrections." often engaged in foreign offensive wars. What | Carry out your doctrine, and Congress must, ter been as able as the former to "raise ar- sary and proper" to be used in executing the specific power given to Congress to suppress it. Georgia, claiming that the Congress of the United States had abused the specific powers specific powers, which were injurious to her raler an Emperor, leaving her people without specific partial protect the constitutional safe-guards which protect the constitutional safe-guards which protect the protect pr power or right to do so, and acting upon the case, and determined that the action of Geormics," as the armies, as well as the militia, may be used to suppress insurrection, and to execute the laws. Apply the test haid down by you, and inquire, is this law "calculated nd intended" to carry out the object (the suppression of the insurrection, and the exe oution of the laws of the United States in leorgin) / and does it "devise and create an astrumentality for executing the specific power granted?" Congress, the Judge, anwers the question in the affirmative. Theraore the law is constitutional.

Again, suppose you are right, and Congres has the constitutional power to "raise armies" by Conscription, and without the consent of e States, to compel every man in the Conederacy, between 18 and 35 years old able to bear arms, to enter these armies, you must admit that Congress has the same power to exlo and 60 to enter. And you must admit t follows that Congress has the absolute control of every man in the State, whenever it chooses to execute to the full extent the their collective capacity, and deny that they power given it by the Constitution to "raise were militia if called into service in any other armies." How easy a matter it would have been, therefore, had the Congress of the United States understood the full extent o: its | whole enrolled force or militin of the States power, to have prevented in a manner per- in the manner provided by the Conscription feetly constitutional, the secession of Georgia Act, there is certainly no obligation upon and Mississippi from the Union. It was only Congress ever to call them forth in any other necessary to pass a Conscription law declar- manner, and it rests in the discretion of Coning every man in both States, able to bear gress whether or not the States shall ever be "It did more; for the war, however just and necessary, gave a strong inpulse adverse ted States, and that each should be treated as Congress has the power in every case to dea deserter if he refused to serve; and that feat the exercise of the right by campg torth-Congress, the Judge, then decide that this law the militia under a conscription act, and not was "necessary and proper," and that it cre- by requisitions made upon the States. It can ated an instrumentality for the execution of one of the specific powers granted to Congress to provide for the execution of the laws of the to any such power in Congress to render it Union in the two States, or to provide for augutory at its pleasure. "raising armes." This would have left the States without a single man at their command, without the power to organize or use military force, and without free men to constitute even a convention to pass an ordinance of se-

If it is said the people of the States would have refused to obey this law of Congress, and would have gone out in defiance of it, it may be replied that it would have been revolution, and not peaceful secession, the right for which we have all contended, though our enemies have not permitted us to part with them in peace—the right for which we

are now fighting. Congress supreme over the States, at any time when it enotes to exercise the full measure her midst, or repelan invasion of her own of its power to "raise armies," but it places territory? the very existence of the State Governments that they shall all enter the service of the very existence depends? Confederacy at the call of the President, under officers which are in future to be apminted by the President.

much power to extend the act to embrace all constitute any part of the land or naval between 15 and 00 as it had to take all be- forces, and say they are distinguished from tween 15 and 35. If the act is Constitutional, the land and naval forces, and you further it follows that Congress has the power to say they have always been called forth as compel the Governor of every State in the "bodies organized by the States," with their confederacy, every member of every Legis-officers, that they "do not become part of lature of every State, every Judge of every the armies raised by Congress," but remain Court of every State, every officer of the militia, and that when they had been called Constitution as reported by the Convention in initial of every State, and all other State of forth, and the exigencies which provoked the ficers, to enter the military service as privates call had passed, "they went home again." | vention of a number of the States having, at power is granted, Congress is the judge honorably discharged.

cers, appointed by the President, at any time when it so decides. In other words, Congress may disband the State Governments any day when it, so the judge, decides that by so doing it "creates an instrumentality for executing the specific power" to "raise ar-

If Congress has the right to discriminate that "It (the General Assembly of Virginia,) and take only those between 18 and 35, it views the powers of the Federal Government has the right to make any other discriminaas resulting from the compact to which the tion it may judge "necessary and proper" in States are parties, as limited, by the plain the "execution of the power," and it may pass sense and intention of the instrument constituting that compact, as no further valid clude the State Governments are an evil, that than they are authorized by the grants enu- all State officers, Executive, Legislature, Judimerated in that compact; and that in the cial, and Military, shall enter the armies of case of a deliberate pulpable and dangerous the Confederacy as privates, under officers exercise of other powers not granted by said appointed by the President, and that the compact, the States who are parties thereto army shall from time to time be recruited from other State officers as they may be ap-

To state the case in different form, Congress has in sundry instances been manifested by leave the people of the States with no other Government than such military despotism'as Congress in the exercise of the specific power to "raise armies" (which I understand you to hold is a distinct power to be construed separately) may, after an application of your test judge to be best for the people.

For as all the State officers which I men-

tion might make effective privates in the armies of the Confederacy, and as the law passed to compel them to enter the service might " create an instrumentality for executing the specific power to raise armies" Consovereignty, the obvious tendency and inevita- gress, the judge, need only to decide, and the ect would be Constitutional. I may be reminded, however, that Congress

passed an Exemption Act after the passage of the Conscription Act which exempts the Governors of the States, the members of the State Legislatures, the Judges of the State ter, Congress had been erroneouly supposed cers—appoint officers of your own choice, to be. It this doctrine be correct, of what and call them the "armies of the Confederato be. It this doctrine be correct, of what value are State rights and State Soccretary?

In my former letter I insisted, under the general rule that the 12th, 15th and 16th parlass passed, as it is hoped they are not ex-

with me here. You say: "Nothing can so mislead as to constructo gether and as one whole, the carefully sepa- to be dishanded when the emergency is pass- helpless women and children subject to masrated clauses, which define the different powers to be exercised over distinct subjects by

VIITTESS. These are not carefully separated clauses, which relate to different powers, to be exer-cised over distinct subjects. They all relate to the same subject matter, the authority given to Congress over the question of war and peace. They all relate to the use of arm force by authority of Congress. If, therefore, Coke, three paragraphs, together with all others in soldiers,' one whole

another paragraph, upon the same subject mat- article of the Constitution. ter, that all can stand together, and the whole when taken together, establishes to my mind the unsoundness of your argument, and the

tion of the term "militis," and the deductions forces, and also that the spirit of resis- state of provincial dependence upon the Cen-

General, that "the militia are a body of solof course, be the judge of what constitutes an of course, be the judge of what constitutes an insurrection, as well as of the means "necesting the linear rectness of the definition. All persons therefore, who are enrolled for discipline under the linear rectness of the definition. the laws of Georgia constitute her militia .-When the persons thus enrolled (the militial are employed in the service of the Confedegranted to it, and passed laws which were not ranted to it, and gassed laws which were not become a properly in executing these beryes to Georgia the appointment of the processory and properly in executing these officers. The Conscription Act gives the President the power by compulsion to employ every one of those persons, between 18 and 35, in the service of the Confederate States; and denies to the State the appointment of a single officer to command them, while thus "employed." Suppose Cogeress gia amounted togan insurrection, and passed at its next session should extend the act so as to embrace all between 18 and 45, what given to it by the Constitution, to "raise ar- State to appoint a single officer, when the Constitution says she shall appoint them all. Is it fair to conclude when the States expressly and carefully severed the control of their own militia, by reserving the ap-Constitution says she shall appoint them all. Is it fair to conclude when the States expressly and carefully severed the control pointment of the officers to command them, that they intended under the general grant of power to "raise armies," to authorize Congress to defeat the reservation and control the militia, with their officers, by calling the very same men into the field individually and not collectively, organizing them according to imown will, and terming its action "raising an army," and not calling forth the militia !-Surely the great men of the Revolution, when they denied to the General Government the pointed by the President, as is the case with appointment even of the general officers to command the militia when employed in the service of the Confederacy, did not imagine that the time would come so soon when that tend the law, and compel every man between government, under the power to "raise armies," would claim and exercise the authorithat the grant of power is as broad in times of ty to call into the field the whole militia of the peace as in times of war, and there is in the States individually, and deny to the States the grant no language to limit it to times of war. appointment of the lowest Lieutenant, and justify the act on the ground that Congress did not choose to call them into service in

WAY. If Congress has the power to call forth the not be just to charge the States with the folly of making this important reservation, subject

Again you say "Congress may call forth the militis to execute Confederate laws; the State has not surrendered the power to call them forth to execute State laws."

vasion; so may the State, for it has expressly reserved this right." " Congress may call them forth to suppress

usurrection, and so may the State." If the conscription law is to control, Congress may without the consent of the State Government, order every man composing the militia of the State out of the State, into the Confederate service, how is the State to call forth her own militia, as you admit Your doctrine carried out, not only makes she has reserved the right to do, to execute her own laws, suppress an insurrection in which your Generals are establishing under letter to you, but it was no part of my inten-

Could it have been the intention of the subject to the will of Congress. The Con- States to delegate to Congress the power to scription Act makes no exception in favor of take from them, without their consent the the officers necessary to the existence of the means of self-preservation, by depriving State Government, but in substance declares them of all the strength upon which their

After laying down the position that the citizens of a State are not her militia, and affirming that the militia are "a body or-As already remarked, Congress has as ganized by law," you denv that the militia

the body of the people, to meet an emergency or to repel invasion. If they go in as "bodies organized by the States" you hold that they go in militia, remain militia, and when the exigency is passed, they go home militia; but if you call forth the same men by the scription act for the same purpose, and they remain for the same length of time, and do the same service, they are not militia, but the armies of the Confederacy, part of the land or naval force. In connection with this part of

the subject you use the following : "At the present moment, when our very existence is threatened by armies vastly superior in numbers to ours, the necessity for the defence has induced a call, not for the whole militia of all the States, not for any militia, but for men to compose armies for the Con-

federate States." In the midst of such pressing danger, why was it that there was no necessity for any militia; in other words, no necessity for any

The

must be composed was not reliable? Conscription Act gives you the very same material. Was it because the officers appointed by the States to command the galbodies" sent by the States were less brave or less skillful than the officers appointed by the President to command similar "organized bowho now command regiments in the service, of the State. will not fear to have impartial history an-awer this question. Was it because you wished select men for the armies of the Contederacy? The Conscription Act embraces all, without distinction, between 18 and 35, Courts, &c., from the obligation to enter the able to do military duty and not legally exright vested in Congress to compel them to ing the militia and taking all the men who pass the exemption act. All the State offi- ed by the States, as the Constitution requires, cers, therefore, are exempt from Conscription and call them by their proper name, "mili-

agraphs of the section under consideration, all pected to be permanent, like the regular arrelating to the same subject matter, should be mies of the Confederacy; or, in other words, construed together. While your language on like the land and naval forces provided for in this point is not so clear as in other parts of the Constitution, from which you distinguish these "armies of the Confederacy," called forth in an emerency, to repel an invasion, ed, and the milita or bodies of troops or sacre by negro insurrection for want of an ganized and officered by the States called organized force to suppress it, I felt it an imforth for the same purpose, to be composed of the same material, and disbanded at the sametime, is most remarkable in everything, ex- could not permit the disorganization to take cept the name, and the appointment of offi-

Excuse me for calling your attention to an-

other point in this connection.

Your message to Congress recommending its fallacy of your conclusion.

But I must not omit to notice your definienabled you to keep in the field adequate tence among the people was such that it need- tral power. You adopt the definition of the Attorney ed to be regulated and not stimulated. You

mony of purpose and cordiality of feeling the cause which I consider no less than the which have continued to exist between my- cause of constitutional liberty, imperiled by self and the Executives of the several States, and it is to this cause that our success in keep- placed upon the watch-tower as its constant ing adequate forces in the field is to be attri-buted." Again you say: In conclu-

"The vast preparations made by the enemy-for a combined assault at numerous points on our frontier and scacoast, have produced the result that might have been expected. They have animated a people with a spirit of resistance so general, so resolute, and so self-sacrithan to be stimulated." .

cordial co-operation had enabled you to keep in the field "adequate forces," and the spirit

was no need of a Conscription Act to enable you to "raise armies." Since the invasion of the Confederacy by our present enemy, you have made frequent of the State, and commanded by officers appear of our whole people, pointed by the State, and in most instances I have the honor to be, fully armed, accounted and equipped. These bodies were called forth to meet an emergency and assist in repelling an invasion. emergency is not yet past, the invasion is not yet repelled, and they have not yet returned home. If your position be correct, they constitute no part of the land or naval forces, as thought proper to publish part of our unfinthey were not organized nor their officers apseem to agree that the State, under the express | der for general circulation. reservation in the Constitution, has the right

compliance with a requisition upon the State the Legislature of the State.
for "organized bodies of troops." The right But as you have commenced the publical vice of the Confederate States." Many thou- respondence, insert this reply. " Congress may call them forth to repel in- sands are now so employed. Vacancies in the different offices are frequently occurring by death, resignation, &c. The laws of this State provide how these vacancies are to be filled,

> sion by the Governor. The right of the State to appoint these officers seems to be admitted, and is, indeed, too clear to be questioned. The Conscription Act, if it is to be construed according to its language, and the practice it, denies to the State the exercise of this right, and prescribes a rule for selecting all officers and confers upon the President the power to commission them. Can this usurpation (I think no milder term expresses it taithfully; tion which gives Congress power to "raise armies," and is this part of the Act con-

and it is not to be done by promotion of the

officer next in rank, except in a single instance,

but by election of the regiment, and commis-

tablish the constitutionality of the Conscript further discussion. tion Act. The 14th passgraph of the 9th section of the most pointed manner a doctrine, which the 1st Article of the Constitution of the Confederates States declares that

the security of a free State, the right of the people to keep and bear arms shall not be infringed." This was no part of the original

expressed a desire, in order to prevent mis-construction or abuse of its powers, that further declaratory and restrictive clauses should be added, Congress, at the session begun and held at the city of New York on Wednesday, the 4th of March, 1789, proposed to the Legislatures of the several States welve amendments, ten of which only were

The second amendment was the one above quoted, which shows very clearly that the States were jealous of the control which Congress might claim over their militia, and required on this point a further "restrictive clause" than was contained in the original Constitution.

The 16th paragraph of the preceding section expressly reserves to the States "the authority of training the militia according to the discipline prescribed by Congress." In connection with this you admit that the States reserved the right to call forth their own militia to appear to the right to call forth their own militia to appear to their own between the right to call forth their own militia to appear to their own between the right to an own the right to the right t "bodies of men organized by the States," as litia to execute their own laws, suppress in were many of the most gallant regiments surrections or repel invasions. This authorinow in the Confederate service, who have won on the battle field a name in history, and laurels that can never fade? Were no more such bodies "organized by to truin them, as they cannot without of the States" needed, because the material retia, which the Constitution says is "necessary maining within the States of which they to the security of a free State.'

The conclusion would seem naturally to follow that the States did not intend by any general words used in the grant of power to lant State regiments and other "organized give Congress the right to take from them, as often as appointed, the officers selected by them to train and regulate their militia, and prepare them for efficiency, when they may

dies?" The officers appointed by the States be called forth to support the very existence The Conscription Act embraces so large a proportion of the militia officers of this State, is to disband the militia in the event they should be compelled to leave their commands. This would leave me without the power to re-organize them, as a vacancy can only be military service of the Confederacy as privates under Confederate officers. It must be borne in mind, however, that this very act of eximple empt. You do not take the militia. What do you take? You take every man between the militia is compensately that this very act of eximple expension by Congress is an assertion of the incompensate them, as a vacancy can only be empt. You do not take the militia. What of the incumbent, or by the voluntary performance of some act which amounts to an abandonment of his command, or by a sensitive value of the confederacy as privates and take the militia. What is considered in one of these officers by resignation of the incumbent, or by the voluntary performance of some act which amounts to an abandonment of his command, or by a sensitive value of the confederacy as privates. go, when Congress shall so direct, as Congress has the same power to repeal which it had to case you take them with their officers appointcommand by Conscription, or compulsion, and placed in the ranks, is in neither category; and his office is no more vacated than the ofby the grace and special favor of Congress, and not by right as the Governments of the independent States whose agent, and not mass tice of a judge would be, if he were ordered right to till the place, either by ordering an election, or by a brevet appointment. I have no right in their case to commission a successor so long as there is a legal incumbent. Viewing the Conscription Act in this particular as not only unconstitutional, but as striking a blow at the very existence of the State, by disbanding the portion of her mulitia left within her limits when much the larger your letter, I understand you to take issue the militia. Indeed the similarity between part of her "arms bearing people" are absent in other States in the military service of the Confederacy, leaving their families, and other

perative duty which I swed the people of this State, to inform you in a former letter that I place, nor the State officers to be compelled to leave their respective commands and enter the Confederate service as Conscripts. Were it not a fact well known to the country that you As you admit that the militis have always | now have in service tens of thousands of mon been called forth as "bodies organized by the without arms and with no immediate prospect Marshall, Kent and Story, of this country, States," and when thus called forth, that the with all other intelligent writers on the rules States have always appointed the officers. I with all'other intelligent writers on the rules of construction, are to be repeated as authority, there can, it would seem, be no doubt of President by authority of Congress has made their labor would be most valuable in their the correctness of the position, that these a call upon a State for "organized bodies of farms and workshops, there might be the and they have been furnished by semblance of a plea of necessity for forcing That words meant by that instrument to be the Constitution which relate to the same subsubsidiary only to the execution of the londed jeet matter, are to be construed together "as tia of the State "employed in the service of and go into camps of instruction, under Con-Construe them together, and the general the Confederate States" under the 15th and language in one paragraph is so qualified by 16th paragraphs of the 9th Section of the 1st than themselves of military science or train-

ing. I must, therefore, adhere to my position, and maintain the integrity of the State Govpassage shows that there was no necessity for erument in its Executive, Legislative, Judicial the act, to enable you to get troops, as you and Military Departments, as long as I can admit that the Executives of the States had command sufficient force to prevent a from being disbanded, and its people reduced to a

my zeal in the advocacy of principles, and cause of constitutional liberty, imperiled by the erroneous views and practice of these

.In conclusion, I beg to assure you that fully appreciate your expressions of personal kindness, and reciprocate them, in my feelings toward you, to the fullest extent. I know the vast responsibilities resting up-

on you, and would never willingly add unne cessarily to their weight, or in any way entheing, that it requires rather to be regulated barrass you in the discharge of your important duties. While I cannot agree with you If then the Executives of the States by their in opinion upon the grave question under discussion, I beg you to command me at all times when I can do you a personal service. of resistance was as high as you state, there or when I can, without a violation of the constitutional obligations resting upon me, do any service to the great cause in which we are all so vitally interested.

Hoping that a kind Providence may give young Confederacy as may result in the ear- of operators wander half starved through the "Federal Army of East Tennessee."

Very respectfully, Your abedient servaut, Joseph E. Esons.

P. S .- Since the above letter was written I see somewhat to my surprise that you have

ished correspondence. In reply to my first letter you simply the armies of the Confederacy; but they were stated on the point in question, that the concelled forth as bodies "organized and their stitutionality of the Act was derivable from officers appointed by the States." Hence they that paragraph in the Constitution which are part of the "Militia of Georgia," employed gives Congress the power to raise and supin the service of the Confederate States as port armies. I replied to that letter with no provided by the two paragraphs of the portion of your argument but the simple Constitution above quoted, and by paragraph 16 of Section 9 of the 1st Artice, then with the aid of your cabinet replied to State," or as militia, you say they remain mi- two letters not only in the newspapers but litia, and go home militia. In this case we also in pamphlet form, I presume by your or-

While I cannot suppose that your sense of to appoint the officers. I have the written duty and propriety would permit you to pub-opinion of Mr. Benjamin, then Secretary of lish part of an unlinished correspondence for War, about the time of the last call for twelve the purpose of forestalling public opinion, I regiments, concurring in this view, and recog- must conclude that your course is not the nizing this right of the State. And it is pro- usual one in such cases. As the corresponper that I should remark that the State has, dence was an official one upon a grave conin each case, been permitted to exercise this stitutional question, I had supposed it would right, where the troops entered the service, in he given to the country through Congress and

does not stop here, however. The Constitu- tion in this hasty, and as I think, informal tion does not say the State shall appoint the manner, you will admit that I have no other officers while the organizations may be form-ing to enter the service of the Confederacy, fore, request, as an act of justice, that all newsbut while they "may be employed in the ser- papers which have published part of the cor-

> RICHMOND, July 10th, 1862. Gov. Jos. E. Brown, Atlanta, Ga.

DEAR SIR: I have received your letter 21st ult., and would have contented myself with the simple acknowledgment of its receipt, but for one or two matters contained in it. which seem to require distinct reply. I deemed it my duty to state my views in

relation to the Constitutionality of the Conscript law for the reasons mentioned in my from the necessities of war, have had to furtion to enter into a protracted discussion. It was convenient to send my views to others in future, unknown to the laws of Georgia, than yourself, and for this purpose I caused my letter, together with yours, to be printed in pamphlet form. I am not aware of having omitted any part of your observations, nor be justified under the clause in the Constitu- did I anticipate any further correspondence on the subject. I supposed you had fully stated your views, as I had stated mine, and stitutional :- If not, you have failed to esno practical benefit could be obtained by

It is due however, to myself to disclaim in against which you indulge in lengthened ar-"A well regulated militta being necessary to gument. Neither in my letter to you, nor in Market, Friday morning. A most thorough pied a strong position on a high ridge, which any centiment ever expressed by me can investigation of the case and all the circum-there be found just cause io impute to me the stances connected with it, was had, but not belief that Congress is the final judge of the constitutionality of a contested power. I said in my letter, that "where a specific slaves, could be educed, and they were all

I an not aware that the proposition was, in the armiss of the Consideracy under off- The militis when called forth are taken from the time of their adopting the Constitution, whether the law passed for the purpose of I never asserted nor intended to assert, that after the passage of such law, it might not be

declared unconstitutional by the Courts on complaint made by an individual; nor that judgment of Congress was conclusive against a State, as supposed by you; nor that all the co-ordinate branches of the General Government could together finally decide a question of the reserved rights of a State. The right of each State to judge, in the last resort, whether its reserved powers had been usurped by the General Government, is too familiar and well settled a principle to admit of discussion.

As I cannot see, however, after the most espectful consideration of all that you have said, any thing to change my conviction that longress has exercised only a plainly granted specific power in raising its armies by concription, I cannot share the alarm and oncern about State rights which you so vidently seem to feel, but which to me seem quite unfounded. I are very respectfully yours,

JEFFERSON DAVE THE EUROPEAN NEWS.

IMERICAN AFFARES IX LONDON AND PARIS The London correspondent of the "Harald" rites under date of July 19th, as follows:

The debate in the House on Lindsay's moon has ended in the defeat of the rebels .-Then I last wrote I did not think it would on seriously considered; but the news of continned successes at Richmond had so strengthened their cause that within the past three days it has been adopted by the conservative party. This of course gave it an importance that caused some anxiety to Ministers as well as to the friends of the Union, and yesterday morning, to those who knew what was going on, matters really looked serious. Disraeli had more than one interview with Mason, who was elated with hope; he and his confederates spared no efforts to insure success. A lying telegram, announcing the surrender of Mc-Ciellan's army, the hauling down of Union stags in Baltimore, we, was posted on Change," and in other conspicuous places, and published in all the evening papers. The sovement and strength of voice that would open. ave done credit to their enterprising colabathey were bawing through all the streets, modere Davis passed Memphis Saturday for "Surrender of McClellan's great army," in a Cuiro. one that carried juy to many hearts, judging by the eagerness with which the papers were night. The thing was such a transparent to some unarmed point. honx (we having news two days later) that I was astonished at any one believing it, and still more that newspapers chaining to be re- of by Yanker anthorny- the owners in some spectable should publish it. They at least cases being expelled. new it was a lie, and it proves now mendanous and unscrupulous. English newspapers are when it suits their purpose to be What would they say if the New York press ommitted a like outrage! The "Times" reeats and endorses the story, this morning,

lay about Prussia and the Zoliverein. There is no doubt that the government of his country is very anxious about the com- not credit the report. g autumn and winter. The weather is ! ers are not satisfactory. Conceal it as they cili, France is sulky and entering with zeal nto new ailiances that bode no good to Eng-

All the Powers of the Continent are disjusted with the constant meddling with their rivate affairs in the British Parliament and press. Those having coasts, harbors or comherce exposed to attack by the British navy are tired of her arrogant tyranny on the seas, and hall with delight the successful aploits of the American iron-clad gun-

Sweden, Denmark and Russia are all prepar-If I have used strong language in any part ing to build ships that will protect their coast against the navy of Britain. France is alreaea. The crowd bawl as lustily as ever about he-prosperity and power of England; but thinking men see she is approaching a crisis full of dangers both at home and abroad. The London "Times" is still silent on the French and Russian alliance; it exposed its rear, ears, however, yesterday, when it hoped that

ias been France adona with England; henceorth Russia will play her ; art. The Paris correspondent, under date of the

Sth ult, writes: McClellan's check, the news of which reached us three days since, has redoubled treat.
the boldness of the pro-slavery journals.— E.A. courier reports that a battery of four These papers do not cease to cry out for invention, and it must be said that, in this respect, the English press yields to ours in nothing. It is true the want of cotton places the United Kingdom in a critical condition

Factories are closed every day; thousands; forced, flathed Bowen's command, capturing streets, and the prolongation of the war be tween the North and South is social war in London. But the French democracy bas confidence in the energy of the Washington Government. The Monroe doctrine must prevail, because it is right; and the Unionists to-day, says : will make it triumph, despite the hostile wishs of coaleased Europe, because their cause

ollowing proclamations which were issued or the gallant Morgan, during his recent brilplant expedition into Kentucky:

"Kentuckians! I come to liberate von from despotism of a tyrannical faction, and to rescue my native State from the hands of your oppressors. Everywhere the cowardly has fied from my avenging arms. My brave which terms them "militis in actual service my second letter, giving the argument by army is stigmatized as a band of guerrillas in time of war or public danger." They which you attempt to sustain your position, and maranders. Believe it not, I point entered the service with only the training and without allowing time for your letter to with pride to their deeds as a refutation common to the citizens of the State.— reach me, and a reply be sent, you publish my to this foul assertion. We come not to They are now well trained troops. But a second letter and your reply, which is your molest peaceable individuals or destroy having gone in as "bodies organized by the first argument of the question. I find these private property, but guarantee absolute protection to all who are not in arms against us. We ask only to meet the hireling legions of Lincoln. The eyes of your brothren of the South are upon you. Your gallant fellowcitizens are flocking to our standard. Our armies are rapidly advancing to your protection. Then greet them with the willing hands of sixty thousand of Kentucky's brave.-Their advance is already with you. Then-

"Strike, for the green graves of your sires! strike, for your siture and your fires!
God and your native land!"

John H. Mongan, Brigadier General, C. S. A. Geograwa, Kv., July 15, 1862.

On leaving this place, Morgan issued the following:

"To the Citizens of Scott County :- I will for a short time be absent from your county. Since my arrival I have endeavored to protect the rights of all, and have suffered no one to be injured. I have made but one arrest, and | guerilla warfare in Arkansas on an extensive have in all respects sought to observe the scale, and mentions several brilliant exploits rules of civilized warfare, both to armed one. On Sunday, they attacked two Yankee regr mies and non-combatants. I claim for my own friends the same treatment, and will exact full retribution on my return, if those whose political opinions incline them to sym- the latter escaped the same day. They haved pathize with my cause, are punished or mo. another party near Jacksonport, killing lested for what I have done. To those who, hish horses for my troops full compensation is hereby guarantied.

"JOHN H. MORGAN, "Brig. Gen. C. S., A. "Georgetown, July 17, 1862." Honorably Ducharged.

The case of Mr. Alexander Falconer, famlly and servants, who were arrested by order of General Pendleton, and sent to Petersburg on Wednesday lest, on the charge of selling poisoned milk to some Confederate soldiers. was tried before Mesers. Epes and Bland.

the least evidence adverse to Mr. Falconer or

GLORIOUS VICTORY POPE REPULSED BY "STONE WALL" JACKSON.

ARRIVAL OF THREE HUNDRED YANKEE PRISONERS.

DEATH OF GENERAL WINDER

LATEST BY TELEGRAPH.

ESPORTED FOR THE DAILY BIODMOND SNAVIRED

GORDONSVILLE, Aug. 10 .- A battle was fought, yesterday, at Southwestern Mountain. resulting in a complete victory over the an "Stonewall" Jackson repaired Pope, and

drove him several miles from his position. Three hundred prisoners, including Brigadier General Prince and twenty-nine commissioned officers, have arrived.

General Charles S. Winder was killed ____

FROM THE WEST AND NORTHWEST Monte, Aug. 9 .- A special despatch to the Advertiser and Register," dated Tupelo, ath ast, gives extracts from Chicago papers of the 2d.

An immense war meeting had been held at lilwaukie. Fifty thousand people were in ttendance. The railroads in the State paed all free for the occasion. All business was suspended. Resolutions were posite resonmending the drafting of a million of men. Numbers are leaving St. Louis for the Southern army, to avoid the Northern draft. Arrests are being made there on the charge of isloyalty. a
Back of Cape Girardeau the Confederates islovalty.

ave a Wisconsin regiment surrounded. The fighting at Bloomfield, Mo., was continued for three days. An additional force ad been sent from Cairo to the assistance of the Yankees. Memphis despatches of the 30th state that

Gen. Bragg has a force of 80,000 men in me tion, and Memphis is threaten d. It is expected that obstructions to naviganewsboys - this (in London) enterprising class | tion will be established above Memphis. A -were suddenly imbued with alactity of guideat fleet will patrol to keep the river

Cartis refuses to go to Vicksburg without rers in New York. Vesterday, at five, P. M., a direct order from Lincoln. Curtis and Com-

A rumor prevails that Coros' whole arms was about to start on an important expedition Over six hundred stores and orivate dwellimes in Memphis have been taken possession

SECOND DESEATCH. Lynchberto, Aug. 9 .- Nothing has been re-

ceived by telegraph from Knoxville, and no papers from that place later than the 6th in-Stabl. Heavy skirmishes were reported at Taze sithough it had five days later news by the well, on Monday and Tuesday. Arabia; but the "Times" is fast losing its Passengers by the Western train, last and, as witness its ludicrous blunder yester- night, confirm the report of the fight and vic-

tory at Tszewell, but say nothing of the reported capture of the Federal army, and of A skirtnish took place Wednesday at Pack's th cold and wet, and the harvest will be Ferry between Loring's command and the eadly deficient, and there is now every pros-enciny. It is reported that a number of the prof. that the country must pass through a Federals were killed and wounded, without artist ordeal of suffering before this time thy loss on our side. The tight was she ext year. Her relations with foreign Pow- gether with artillery. The enemy eventues their position after burning their bosts and

destroying their stores. Gen. Loring crossed the river in pursuit. A nght was unticipated on Thursday or Friday

IMPORTANT FROM EAST TENNESSEE MORE "BAGGING"-ASSASSINATION OF GEN. CASWELL.

Morne, Aug. 7 .- A special despatch to the Advertiser and Register," dated Knoxville yesterday, says: Heavy skirmishing commenced Tuesday Spain, Austria, Italy, Prussia, Holland, With a large portion of the enemy, at Taze well, seven miles from Cumberland Gap. One

the enemy's rear, and cut them off from The artillery firing was very heavy-Several prisoners have been brought in from ceived. General Reins, at last accounts, was making a forced march to gain the enemy's Brigadier General W. R. Caswell was this

England would not attempt "mediation" afternoon assassinated by an unknown person without France and Kussia. Heretofore it near his residence, six miles from Knowlike SECOND DISPATCH.

Knoxville, Aug. 7 .- A despatch, this morn ing from Brigadier General Stevenson, states that after a gallant action of four hours, yesterday, near Tazewell, the enemy was repulsed with great alaughter, and win fall re

guns was taken after our men were twice repulsed with the loss of one hundred and hinmen. Gen. Burton has succeeded in gaining the enemy's rear. Gen. Stevenson, being ten-

The murderer of Gen. Caswell was arrested et night. TOURD DESPATCH. Mostin, Aug. 2. - A special despatch to the idvertiser and Register, dated Jackson

Gen. Van Dorn permits me to conv the f owing despatches: AMTE RIVER, Aug. 6th .- About I o'class this morning the Federal gunboats attacked GEN. MORGAN'S PROCLAMATIONS: the Confederate Ram Arkansas. Messager We find in the Knoxville "Register" the inform me that she fought them well for some time, inflicting great damage. She was then blown up by her crew. The messenger thinks they all escaped.

JOHN C. BRECKINSTOOF. (Signed,) COLLETS RIVER, 10 MILES FROM BATON ROLLE August 6.-We occupied the whole of the town and the battle field till evening, but no decisive result was gained after the ladespatch. There being no water there and the Mississippi river compelled m to come here. I moved at my own time an in order. The Arkansas laid with her mach nery injured five miles above the town a

day yesterday.

Her Commander sent me word, last ev ning, that he would endeavor to get her up the river, and asked if it be possible to sen him a boat to aid him. From the reports she is permanently un

erviceable We burnt nearly all of their camps, and a arge amount of stores, and out them up bedir. Gan. Williams and the other prominent of ucers are killed.

JOHN C. BRECKINGICGE. [Signed.] Rumor says that Gen. Clarke is a prisoner. Parties from the field say that our victory was complete. The ground was strewed with the dead and wounded.

BRILLIANT EXPLOITS.

Monte, August 10 .- A special despatch to the "Tribune" from Grennda, bih says: The Memphis "Bulletin" of the 7th states that the Confederates have inaugurated scale, and mentions several brilliant exploits. ments, dispersing them completely, capturing sixty wagons of provisions and over three hundred stolen negroles. Twenty-were t seventeen and capturing twenty wagons provisions. Ninety more were attacked near Helena, and nearly annihilated, only two escaping.

announced his determination to draft. A serious rebellion is reported among the Mormons, which, it is feared, will result in war with the Federal Government.

The Governor of New York has officially

THE BATTLE OF TAZEWELL Mostle, Aug. 10 .- A special despatch to

the "Advertiser and Register," dated Knozville, 5th inst., says: No official report of the particulars of the battle of Tazewell has yet been received. It Magistrates of Prince George county, at New is ascertained, however, that the enemy occuwas carried by as-ault.

The enemy's force engaged, composed of three brigades, amounting to 6,000 men. Our loss turns out not as heavy as report;

any member of his family, or any of his Other movements are shortly expected